

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

MANDRIEZ RAMON SPIVEY,	:	
	:	
Petitioner,	:	No. 5:10-CR-00017(CAR)
	:	No. 5:11-CV-90111 (CAR)
v.	:	
	:	
UNITED STATES OF AMERICA,	:	Proceedings Under 28 U.S.C. § 2255
	:	
Respondent.	:	
_____	:	

**ORDER ON THE RECOMMENDATION OF THE**  
**UNITED STATES MAGISTRATE JUDGE**

Presently before the Court is the Recommendation [Doc. 91] from United States Magistrate Judge Charles H. Weigle to deny Petitioner Mandriez Ramon Spivey's Motion to Vacate, Set Aside, or Correct his Sentence Pursuant to 28 U.S.C. § 2255 [Doc. 78]. Petitioner has not filed an objection to the Recommendation, and the time for doing so has expired. Having considered the matter, the Court agrees with the findings and conclusions of the United States Magistrate Judge. The Recommendation [Doc. 91] is therefore **ADOPTED** and **MADE THE ORDER OF THE COURT**. Petitioner's Motion to Vacate, Set Aside, or Correct his Sentence [Doc. 78] is hereby **DENIED**.<sup>1</sup>

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<sup>1</sup> The United States Magistrate Judge does not reference Petitioner's Amended Motion to Vacate, Set Aside, or Correct his Sentence [Doc. 88] in the present Recommendation. However, the allegations in the Amended Motion mirror Petitioner's first filing and do not alter the Magistrate Judge's ultimate findings and conclusions. Accordingly, Petitioner's Amended Motion [Doc. 88] is also **DENIED**.

Additionally, because Petitioner has failed to make a substantial showing of the denial of a constitutional right, a certificate of appealability is **DENIED**.

**SO ORDERED**, this 19th day of November, 2012.

S/ C. Ashley Royal

C. ASHLEY ROYAL, CHIEF JUDGE  
UNITED STATES DISTRICT COURT

BBP